

9 FAM APPENDIX K, 300 GUIDELINES FOR REFERRALS

(CT:VISA-858; 01-23-2007)
(Office of Origin: CA/VO/L/R)

9 FAM APPENDIX K, 301 TYPES OF REFERRALS

(CT:VISA-858; 1-23-2007)

- a. There are two types of visa referrals, Class A Referrals and Class B Referrals. Both types are only appropriate if they further U.S. national interests. Class A referrals usually directly support U.S. national interests. Class B cases might not directly support U.S. national interests, but the referral itself should further U.S. Government mission interests in-country. (An example of an appropriate Class B referral would be a key employee of host government agency whom the referring officer does not know personally.) A Class B referral neither implies a recommendation to issue nor vouches for the bona fides of the applicant.
- b. Class A Referrals may result in a waiver of personal appearance requirements, consistent with guidelines in 9 FAM 41.102 *Notes*. In addition, Class A referral cases may be waived of visas condor processing and National Security Entry/Exit Registration Systems (NSEERS) registration requirements if the chief of mission (CM) or principal officer (PO) makes such a request in writing at the time the referral is submitted, and, in the case of an NSEERS exception, if the CM or PO confirms that a consular lookout and support system (CLASS) check and security review of the application were done.
- c. Class B referrals only result in procedural courtesies, like faster interview scheduling, special interview space, etc. The availability and character of any special procedures will depend upon conditions and workload at post.
- d. Posts must follow guidelines listed below to appropriately identify and handle referral cases.

9 FAM APPENDIX K, 302 CLASS A REFERRAL CRITERIA

(CT:VISA-857; 12-13-2006)

- a. A Class A Referral is appropriate for cases in the national interest where the referring officer specifically recommends that the consular officer issue a visa to the person being referred. In order to qualify for a Class A Referral, applicants must be personally known to the referring officer (except as provided below) and must be:
 - (1) In categories which might directly affect U.S. national interests, including high-level post contacts, and influential and prominent figures in the Government, professional, business, scientific, and academic communities;
 - (2) In categories which significantly promote public diplomacy efforts of the Mission, which would include other distinguished members of the Government, professional, business, scientific, and academic communities who warrant special consideration;
 - (3) Spouses and minor children of the above (even if not personally known to the referring officer, and even if not traveling with individuals described in paras (1) and (2)); or
 - (4) In need of urgent medical treatment in the United States or deserve, for other humanitarian considerations, special attention.
- b. Unless the applicant subsequently has overcome the basis for refusal, a Class A referral may not be submitted for an applicant who, at any time, has previously been refused a visa in the same classification, or, within the last two years, has been refused a visa in a different classification.

9 FAM APPENDIX K, 303 CLASS B REFERRAL CRITERIA

(CT:VISA-857; 12-13-2006)

- a. Class B Referrals are appropriate when:
 - (1) Travel of the applicant is in the U.S. national interest, but the applicant is not personally known to the referring officer;
 - (2) Travel of the applicant is not directly in the U.S. national interest, but assisting a key contact with a visa request would promote U.S. national interests or public diplomacy efforts. This guidance is not intended to provide B referral courtesies to individuals with only distant connections to the referring officer or the key contact. Additionally, a personal friend whose travel is not in the national interest is not a Class B referral. Neither are standard domestic helper cases Class B referrals, unless the domestic helper is needed to accompany a key contact or ill family member to the United States. Examples of acceptable Class B referrals might include:

- (a) A prominent individual who is not a contact, but is well-known or introduced by a contact;
 - (b) A professional associate of a key contact;
 - (c) A host government employee not personally known to you; or
 - (d) An adult, unmarried dependent of a key contact who would her/himself be an A referral.
 - (3) Travel involves post's locally employed staff going for personal (vs. official) reasons;
 - (4) Travel of key contacts when the referring officer does not recommend visa issuance;
 - (5) Spouses, children, or "members of household" of a Foreign Service Officer or Specialist, or other U.S. Government employee overseas. However, this is not intended to circumvent or create an alternative to immigrant visa (IV) or K visa issuance; or
 - (6) Spouses and minor children of the above (even if not traveling with individuals described in paragraphs (1) through (3)).
- b. Class B Referrals may be submitted for previously refused applicants.
- c. While criteria for Class B Referrals is considerably less stringent in order to assist sections with many requests for visa assistance that they may receive, referring and approving officers should use discretion with such referrals. Frequent submission of referrals for unqualified applicants or repeated cases of questionable national interest may be considered abuse of the referral system.

9 FAM APPENDIX K, 304 ELIGIBILITY TO SUBMIT AND APPROVE REFERRALS

(CT:VISA-858; 01-23-2007)

- a. Only U.S. direct hires encumbering an officer position at post may make referrals. Chiefs of mission (CM) have been given the authority to decide which U.S. officers under their authority in the mission may make referrals to the consular section. U.S. Government personnel not under authority of the CM are not permitted to utilize the referral system, except that officers at U.S. missions overseas (NATO, OECD, etc.) may submit referrals to consular officers who would normally process visas for the geographic area where the mission is located. U.S. officers at other posts or in Washington, DC are not authorized to submit referrals unless they serve at another post in the same country, they have regional responsibilities for the geographic area covered by the consular section, or they have been specifically authorized to do so by CA/VO/F/P.

- b. All referrals must be individually approved by the Chief of Section or Agency head. In the absence of a Section and/or Agency head, the CM or Deputy Chief of Mission (DCM) may approve the referral. In signing the referral, the approving officer is certifying that they believe the case meets the mission's referral criteria. For Class A referrals, the approving officer's signature also attests that to the best of their knowledge the applicant does not constitute a threat to the safety of national security of the United States.
- c. There must be a separate referring and approving officer for each referral. No one officer (save the CM or DCM) may serve as both the referring and approving officers. For cases in which a head of section or principal officer is the referring officer, either the DCM or the CM must approve the referral. Finally, only U.S. Government officers may use the A or B referral systems. These requirements must be contained in post's written policy (see 9 FAM Appendix K, 202).

9 FAM APPENDIX K, 305 INELIGIBILITY FOR CLASS B REFERRAL CRITERIA

(CT:VISA-857; 12-13-2006)

If a contact does not meet the B referral criteria, mission officers should be able to refer the applicant to the consular section's Web site for instructions on how to request an expedited appointment. The expedited appointment system must be transparent, and the information must be available to everyone. A well-functioning expedited appointment system will reduce requests for B referrals and reduce the burden on both referring officers and the consular section. Officers may produce cards that can be given out with the appropriate phone numbers and e-mail addresses.